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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERTO CARLOS FUENTES GARCIA,
aka "Roberto Garcia,"
aka "Jesse Jackson Salgado Ramires,"
aka "Franklin Alexander Restrepo Spain,"

Defendant.

Case No. 2:23-mj-788-DJA

**ORDER to Extend Deadlines to
Conduct Preliminary Hearing and
File Indictment**
(First Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and Raquel Lazo, Esq., Assistant Federal Public Defender, counsel for Defendant Roberto Carlos Fuentes Garcia, also known as "Roberto Garcia," "Jesse Jackson Salgado Ramires," and "Franklin Alexander Restrepo Spain," that the Court vacate the Preliminary Hearing schedule for September 12, 2023, and continue it for 60 days. This request requires that the Court extend two deadlines: (1) that a preliminary

hearing be conducted within 21 days of an undetained defendant’s initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an information or indictment be filed within 30 days of a defendant’s arrest, *see* 18 U.S.C. § 3161(b).

This stipulation is entered into for the following reasons:

1. Defendant and defense counsel need additional time to receive and review discovery, conduct any necessary follow up investigation, and engage in pretrial motion practice, if warranted, before the Preliminary Hearing. Also, the parties are continuing to communicate to see if this matter can be resolved pre-indictment by plea negotiation. If an agreement can be negotiated, the preliminary hearing could be vacated to conserve judicial resources once a change of plea hearing is held.

2. Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold the preliminary hearing within a reasonable time, but no later than 21 days after the initial appearance if the defendant is not in custody”

3. However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a showing of good cause—taking into account the public interest in the prompt disposition of criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more times”

4. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges.”

5. Additionally, Defendant needs additional time to investigate potential defenses to make an informed decision as to how to proceed.

1 6. Accordingly, the parties jointly request that the Court schedule the
2 preliminary hearing in this case no sooner than 60 days from the current hearing date,
3 September 12, 2023.

4 7. Defendant is not in USMS custody¹ and agrees to the extension of the 21-day
5 deadline imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18
6 U.S.C. § 3161(b), provided that the information or indictment is filed on or before the date
7 ordered pursuant to this stipulation.

8 8. The parties agree to the extension of that deadline.

9 9. Accordingly, the additional time requested by this stipulation is allowed
10 under Federal Rule of Criminal Procedure 5.1(d).

11 10. In addition, the parties stipulate and agree that the time between today and
12 the preliminary hearing is excludable in computing the time within which the defendant
13 must be indicted, and the trial herein must commence pursuant to the Speedy Trial Act, 18
14 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i)
15 and (iv).

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24 ¹ Defendant is in ICE custody on an administrative immigration matter.

11. This is the first request for an extension of the deadlines by which to conduct the preliminary hearing and to file an indictment.

DATED this 6th day of September, 2023.

Respectfully Submitted,

RENE L. VALLADARES
Federal Public Defender

JASON M. FRIERSON
United States Attorney

/s/Raquel Lazo
RAQUEL LAZO
Assistant Federal Public Defender
Counsel for Defendant
FUENTES GARCIA

/s/ Kimberly M. Frayn
KIMBERLY M. FRAYN
Assistant United States Attorney

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 ROBERTO CARLOS FUENTES GARCIA,
7 aka "Roberto Garcia,"
8 aka "Jesse Jackson Salgado Ramires,"
9 aka "Franklin Alexander Restrepo Spain,"

10 Defendant.

Case No. 2:23-mj-788-DJA

**ORDER on Stipulation to
Extend Deadlines to Conduct
Preliminary Hearing and
File Indictment**

11 Based on the stipulation of counsel, good cause appearing, and the best interest of
12 justice being served; the time requested by this stipulation being excludable in computing
13 the time within which the defendant must be indicted and the trial herein must commence
14 pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of
15 Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

16 IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled
17 for September 12, 2023 be vacated and continued to November 13, 2023, at 4:00 p.m., Courtroom 3A.

18 DATED this 5th day of September, 2023.



19 UNITED STATES MAGISTRATE JUDGE